

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA

|                                  |   |                                 |
|----------------------------------|---|---------------------------------|
| IN THE MATTER OF:                | ) |                                 |
|                                  | ) |                                 |
| WALL STREET EQUITY GROUP, INC.,  | ) | CASE NO. BK12-36698 (S.D. Fla.) |
| Debtor(s).                       | ) |                                 |
| <u>PETER KIEWIT SONS', INC.,</u> | ) | A12-8076-TJM                    |
|                                  | ) |                                 |
| Plaintiff(s),                    | ) | 8:10CV365                       |
|                                  | ) |                                 |
| vs.                              | ) | CHAPTER 7                       |
|                                  | ) |                                 |
| WALL STREET EQUITY GROUP, INC.;  | ) |                                 |
| WALL STREET GROUP OF COMPANIES,  | ) |                                 |
| INC.; SHEPHERD FRIEDMAN;         | ) |                                 |
| and STEVEN S. WEST,              | ) |                                 |
|                                  | ) |                                 |
| Defendant(s).                    | ) |                                 |

REPORT & RECOMMENDATION

This matter is before the court on the plaintiff's motion for withdrawal of the reference of this case as to defendant Wall Street Equity Group, Inc. (Fil. No. 26).

The plaintiff filed this lawsuit in the United States District Court for the District of Nebraska on September 30, 2010, alleging violations of federal and state trademark and unfair trade practices laws. Discovery abuses led to the imposition of an \$82,909.60 sanction award against the defendants, to be paid by November 26, 2012. Concurrently, defendant Wall Street Equity Group, Inc., filed a Chapter 7 bankruptcy petition in the Southern District of Florida, which resulted in the stay of all actions against the debtor and the referral of the lawsuit to this court. At the plaintiff's request, this court submitted a report to the district court recommending that it withdraw this case to proceed with the litigation against the non-debtor defendants while staying the case as to the debtor. The district court adopted that recommendation on December 12, 2012.

In the meantime, the debtor moved to dismiss its bankruptcy case; the Florida bankruptcy court granted the motion and dismissed the case with prejudice on December 28, 2012. The plaintiff now seeks to have this lawsuit in its entirety returned to and heard by the district court.

As the bankruptcy case against Wall Street Equity Group, Inc., has been dismissed, the automatic stay is no longer an impediment to litigation against the company. Accordingly, I respectfully recommend to the United States District Court for the District of Nebraska that it withdraw the reference of this adversary proceeding to move forward with proceedings involving all of the parties.

The Clerk of the Bankruptcy Court shall process this recommendation pursuant to the local court rules.

DATED: January 3, 2013

RESPECTFULLY SUBMITTED,

/s/ Timothy J. Mahoney  
United States Bankruptcy Judge

Notice given by the Court to:

\*Michael L. Schleich  
Michael F. Coyle  
Robert W. Futhey  
Rebecca Zawisky  
David A. Carter  
A. Margaret Hesford  
Scott R. Austin  
U.S. Trustee

Movant (\*) is responsible for giving notice to other parties if required by rule or statute.